

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH COX,

Plaintiff,

v.

Civil Case No. 17-11273

Honorable Linda V. Parker

MDOC/BHCS and
STATE OF MICHIGAN,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S JULY 10,
2018 REPORT AND RECOMMENDATION [ECF NO. 119] AND DENYING
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT [ECF
NO. 108]**

Plaintiff, a Michigan Department of Corrections' prisoner, filed this lawsuit under the Americans with Disabilities Act ("ADA") and 42 U.S.C. § 1983 against more than twenty defendants. The matter currently remains pending solely on Plaintiff's claim that Defendants Michigan Department of Corrections (MDOC)/BHCS and the State of Michigan violated the ADA by failing to fairly accommodate Plaintiff's blindness. Presently before the Court is Plaintiff's motion for summary judgment (ECF No. 108), filed March 12, 2018. The matter has been assigned to Magistrate Judge Patricia T. Morris for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28

U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On July 10, 2018, Magistrate Judge Morris issued a report and recommendation (“R&R”) recommending that the Court deny Plaintiff’s motion. (ECF No. 119.) At the conclusion of the R&R, Magistrate Judge Morris advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 6-7.) She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.* at 6.)

On July 10, 2018, Magistrate Judge Morris also entered an order staying this case to seek an attorney to represent Plaintiff. (ECF No. 120.) On February 6, 2019, the stay was lifted (ECF No. 125) and the deadline for the parties to file objections to the R&R was extended to February 20, 2019. An order assigning counsel to represent Plaintiff was entered February 11, 2019. (ECF No. 126.) Neither party filed objections by the February 20 deadline.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Morris. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Plaintiff's motion for summary judgment (ECF No. 108) is **DENIED**.

s/Linda V. Parker
LINDA V. PARKER
UNITED STATES DISTRICT JUDGE

Dated: March 6, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 6, 2019, by electronic and/or U.S. First Class mail.

s/R. Loury
Case Manager